

REMARKS

In accordance with the foregoing, claim 31 is amended. No new matter is added. Claims 1-18 were previously cancelled. Claims 19-36 are pending and under consideration.

CLAIM REJECTION UNDER 35 USC § 112

Claim 31 is rejected under 35 USC 112, second paragraph, relative to the phrase "relevant transmission channels." Claim 31 is amended herewith to recite "available transmission channels" according to the Examiner's suggestion. In view of the claim amendment, Applicants respectfully request that the rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 USC § 102

Claims 19-36 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,907,015 to Mousley et al. (hereinafter "Mousley").

Mousley discloses a radio communication system with a random access channel for the transmission of data from a secondary station to a primary station. The secondary stations having data to transmit to a primary station, use the random access channel to send a secondary station access request that specifies the resources it wishes to access. If the specified resource is busy access is denied, but the primary station may yet acknowledge a secondary station's access attempt, thereby eliminating wasted attempts. After the acknowledgement, the primary station may periodically broadcast a short message indicating the availability of channels for access attempts. (See Mousley's Abstract, FIGS. 2, 4 and the corresponding description).

Independent claim 1 patentably distinguishes over Mousley at least by reciting:

sending from the base station to the mobile terminal a response signal containing a first decision value, indicating whether the mobile terminal is authorized to send a message on the specific transmission channel and, if the first decision value indicates the mobile terminal is refused authorization to use the specific transmission channel and the mobile terminal is authorized to send a message on another transmission channel, the response signal including a second decision value.

The Office Action indicates Mousley's lines 46-50 of col. 3 as anticipating "sending from [...] authorized to send a message on the specific transmission channel" (the first part of the above-reproduced claim recitation). The indicated lines of Mousley are part of a paragraph describing an access phase (see lines 30-45 in col. 3 of Mousley) of Mousley's method. In this access phase, the mobile station sends an access preamble message 202 repeatedly until

receiving a preamble acknowledgement message 206 from the base station.

Further, the Office Action indicates Mousley's lines 40-46 of col. 4 as anticipating "if the first decision value indicates the mobile terminal is refused authorization to use the specific transmission channel and the mobile terminal is authorized to send a message on another transmission channel, the response signal including a second decision value." The indicated portion of Mousley describes that the base station may signal allocation of a packet channel in the preamble acknowledgement message 206.

Applicants respectfully submit that the claimed method distinguishes from Mousley at least because Mousley signals allocation of a packet channel with a **positive** acknowledgement, but not in combination with a **negative** acknowledgement. FIG. 5 and corresponding description in col. 4, line 54, to col. 5 of Mousley disclose that after reception of an access acknowledgement (A) in response to the transmission of a first signature, the mobile station determines (step 514) whether the acknowledgement was positive or negative. If receiving a positive acknowledgement, the access phase ends and the process continues with a contention resolution phase (step 516). If receiving a negative acknowledgement, the mobile station waits for a random back-off period and returns to step 504.

In the contention resolution phase, the mobile station transmits a contention resolution preamble using a randomly selected signature. Once the base station acknowledges a received preamble, transmits a contention resolution acknowledgement (CA) and at the same time allocates/assigns a channel to the mobile station for subsequently transmitting data packets in uplink to the base station. If the mobile station does not receive such a contention resolution acknowledgement (CA), the process again returns to step 504.

Thus, Mousley discloses the allocation or assignment, respectively, of a channel for uplink transmissions only associated with a positive acknowledgement, while according to claim 19, a negative acknowledgement is transmitted from the base station, but authorization is given to send the message on another channel. In Mousley, such other channel is assigned to the mobile station only after repeating the access phase with higher and higher power (see FIGS. 2 and 4 with corresponding description) until finally an available channel is allocated (assigned) only together with a positive acknowledgement. Mousley's col. 4, lines 48-51, cited by the Examiner, according to which the base station also transmits or broadcasts a packet channel availability (AV) message, cannot be regarded equivalent to the indicated authorization in claim 19. According to col. 4, lines 60-82 of Mousley, such an AV message is received by the mobile station in step 504, i.e., before it has even sent the first signature, but not together with a

negative acknowledgement refusing authorization to use a requested specific channel.

Therefore, claims 19 and claims 20-31 depending from claim 19, patentably distinguish over the cited prior art.

In view of the above discussion, independent claim 32 patentably distinguishes over the prior art at least by reciting:

sending from the base station to the mobile terminal a response signal containing a first decision value indicating whether the mobile terminal is authorized to send a message on the specific transmission channel and, if the first decision value indicates the mobile terminal is refused authorization to use the specific transmission channel and the mobile terminal is authorized to send a message on another transmission channel, the response signal including a second decision value.

In view of the above discussion, independent claim 33 patentably distinguishes over the prior art at least by reciting:

detecting at the mobile terminal a first decision value in the response signal, indicating whether the mobile terminal is authorized to send a message on the specific transmission channel;

analyzing at the mobile terminal, upon detection that the first decision value indicates refusal of authorization for the mobile terminal to send the message on the specific transmission channel, the response signal to determine whether a second decision value therein indicates authorization for the mobile terminal to send the message on another transmission channel and which other transmission channels are available; and

sending the message by the mobile terminal to the base station on one of the transmission channels available.

In view of the above discussion, independent claim 34 patentably distinguishes over the prior art at least by reciting:

an encoding device generating a response signal to the mobile terminal containing a first decision value indicating whether the mobile terminal is authorized to send the message on the specific transmission channel and containing a second decision value when the first decision value indicates refusal of authorization for the mobile terminal to send the message on the specific transmission channel and the mobile terminal is authorized to send a message on another transmission channel.

In view of the above discussion, independent claim 35 patentably distinguishes over the prior art at least by inheriting patentable features from claim 34.

In view of the above discussion, independent claim 36 patentably distinguishes over the

prior art at least by reciting:

a processor generating a send authorization request signal for a specific transmission channel and decoding a response signal sent by the base station to detect a first decision value indicating whether the mobile terminal is authorized to send a message on the specific transmission channel, said decoding device, upon detection of a first decision value indicating refusal of authorization to send the message on the specific transmission channel, analyzing the response signal to determine whether a second decision value is included therein authorizing the mobile terminal to send the message on another transmission channel and indicating which other transmission channels are available.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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